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* Admitted in NY only
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*** Passed the Patent Bar Examination

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October 25, 2000

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/603,208
Filed: June 23, 2000
Entitled: Corynebacterium Glutamicum Genes Encoding Stress, Resistance and
Tolerance Proteins
Inventors: Markus Pompejus *et al.*
Our Reference: BGI-124CP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Nonprovisional Application (in duplicate);
2. Executed Declaration, Petition and Power of Attorney for Patent Application;
3. Copy of Formalities Letter;
4. Check for \$2,772.00 (including \$710 filing fee, \$1,662 extra claim fee,
5. \$270 multiple dependent claim fee, and \$130 surcharge);
6. Preliminary Amendment
7. Transmittal Letter for Diskette Containing Sequence Listing;
8. Diskette containing Substitute Sequence Listing;
9. Paper Copy of Substitute Sequence Listing (Pages 1-390);
10. Request for Correction of Filing Receipt;
11. Copy of Filing Receipt with marked-up corrections; and
12. Acknowledgement postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on:

October 25, 2000

Date

DeAnn F. Smith, Esq., Reg. No. 36,683

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

DeAnn F. Smith, Esq.
Reg. No. 36,683



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus *et al.*

Serial No.: 09/603,208

Filed: June 23, 2000

For: "Corynebacterium Glutamicum Genes Encoding Stress, Resistance, and Tolerance Proteins"

Attorney Docket No.: BGI-124CP

Group Art Unit: 1761

Examiner:

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

October 25, 2000

Date of Signature and of Mail Deposit

By:

DeAnn F. Smith

Reg. No. 36,683

Attorney for Applicants

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Dear Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application dated August 25, 2000, Applicants submit herewith the executed Declaration, Petition and Power of Attorney for Patent Application for the above-identified patent application. A check in the amount of \$2,772.00 is enclosed to cover the total amount owed by Applicants, including \$130.00 surcharge, \$710.00 basic filing fee, \$1,662.00 additional claim fee, and \$270.00 multiple dependent claim fee, based on large entity status. A copy of the Formalities Letter is also enclosed.

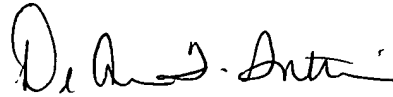
Applicants' attorney notes that the claim fee calculation in the Formalities Letter is incorrect. We calculate **39** total claims over 20, and **12** independent claims over 3. The Formalities Letter also omits the \$270.00 multiple dependent claim charge.

Applicants also enclose herewith a Transmittal Letter For Diskette Of Sequence Listing, a diskette containing the Sequence Listing, and a paper copy of the Sequence Listing (pages 1-390).

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

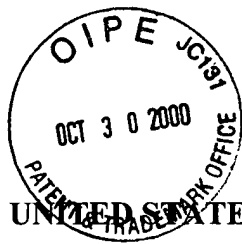
Respectfully submitted,



DeAnn F. Smith, Esq.
Registration No. 36,683
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: **October 25, 2000**



Attorney Docket No.: **BGI-124CP**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus *et al.*

Serial No.: 09/603,208

Filed: June 23, 2000

For: "Corynebacterium Glutamicum Genes Encoding Stress, Resistance, and Tolerance Proteins"

Attorney Docket No.: BGI-124CP

Group Art Unit: 1761

Examiner:

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTION OF FILING RECEIPT

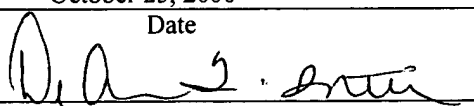
Dear Sir:

Please correct the Filing Receipt for the above-identified patent application as follows:

The "Foreign Applications" section of the Filing Receipt incorrectly lists the filing date of the first application listed in that section. The filing date of GERMANY 19930429.7 should read --**07/01/99**-- instead of 07/08/99.

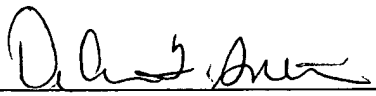
Also, please correct the "TOT CLAIMS" to read --**59**--, instead of 44.

A copy of the Filing Receipt with the changes noted thereon is submitted herewith. A corrected Filing Receipt (PTO-103P) is respectfully requested.

<p>Certificate of First Class Mailing 37 CFR 1.8(a) I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on:</p> <p>October 25, 2000 Date</p> <p> DeAnn F. Smith, Esq., Reg. No. 36,683</p>
--

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



DeAnn F. Smith, Esq.
Reg. No. 36,683
Attorney for Applicants
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

FILING RECEIPT



OC000000005352694

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/603,208	06/23/2000	1761	0	BGI-124CP	-	44 59	15

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 08/25/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Markus Pompejus, Freinsheim, GERMANY;
Burkhard Kroger, Limburgerhof, GERMANY;
Hartwig Schroder, Nussloch, GERMANY;
Oskar Zelder, Speyer, GERMANY;
Gregor Haberhauer, Limburgerhof, GERMANY;
Heung-Shick Lee, Seoul, KOREA, REPUBLIC OF;
Hyung-Joon Kim, Seoul, KOREA, REPUBLIC OF;

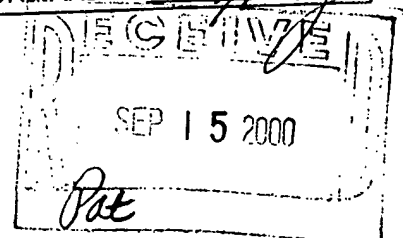
Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/141,031 06/25/1999
WHICH CLAIMS BENEFIT OF 60/142,692 07/01/1999
WHICH CLAIMS BENEFIT OF 60/151,214 08/27/1999

Foreign Applications

GERMANY 19930429.7 ~~07/08/1999~~ 07/01/99
GERMANY 19931413.6 07/08/1999
GERMANY 19931457.8 07/08/1999
GERMANY 19931541.8 07/08/1999
GERMANY 19932209.0 07/09/1999
GERMANY 19932230.9 07/09/1999
GERMANY 19932914.1 07/14/1999
GERMANY 19940764.9 08/27/1999
GERMANY 19941382.7 08/31/1999

RECEIVED LAHIVE & COCKFIELD DOCKET DEPT.	
AUG 28 2000	
RETRIEVED:	<i>Mac</i>
FORWARDED:	<i>9/13/00</i>

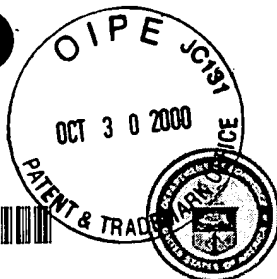


If Required, Foreign Filing License Granted 08/24/2000

FORMALITIES LETTER



OC000000005352695

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/603,208	06/23/2000	Markus Pompejus	BGI-124CP

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

Date Mailed: 08/25/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1368.
 - \$432 for 24 total claims over 20.
 - \$936 for 12 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

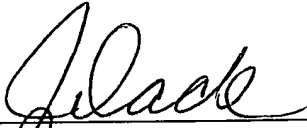
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- For Technical Assistance, call (703) 287-0200
- To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 2188.

A copy of this notice MUST be returned with the reply.

11/02/2000 09:56:3208
01 FC:101
02 FC:102
03 FC:103
04 FC:104
05 FC:105
06 FC:199

A handwritten signature in black ink, appearing to read "J. Black", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE